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10 Attorneys for Applicants PATH NETWORK, INC.;

11 and TEMPEST HOSTING, LLC

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 In Re *Ex Parte* Application of

15 Path Network, Inc. and
16 Tempest Hosting, LLC,

17 Applicants.

CASE NO.

**DECLARATION OF HANNAH A. BOGEN
IN SUPPORT OF *EX PARTE* APPLICATION
FOR AN ORDER TO TAKE EVIDENCE
PURSUANT TO 28 U.S.C. §1782**

18 I, Hannah A. Bogen, hereby declare:

19 1. I am counsel for Path Network, Inc. (“Path Net”) and Tempest Hosting, LLC
20 (“Tempest”) (collectively, the “Plaintiffs”) in connection with its efforts to obtain discovery from
21 entities in the United States for its ongoing litigation against Curtis Michael Gervais (“Gervais”) and
22 his solely-owned company Packet Rabbit Inc. (“PR”; the “*Gervais* Action”) in the Ontario Superior
23 Court of Justice (the “Canadian Court”). As such, I have direct knowledge of the facts herein and if
24 needed could competently testify regarding those facts under oath.

25 2. I make this affidavit in support of the application under 28 U.S.C. section 1782 of
26 Path and Tempest which seeks information to assist the Court in the *Gervais* Action.

27 3. On April 10, 2023, I, on behalf of Path and Tempest, asked Discord Inc. (“Discord”)
28 to preserve all messaging data related to Gervais and Rene Roosen (“Roosen”). On April 11, 2023,
Discord responded that it would not preserve the requested data unless legally obligated to do so.

6. It is my professional opinion that a subpoena is the only mechanism by which Path and Tempest can collect and preserve data related to Gervais, Roosen, and Archetype's accounts and messaging data on the Discord platform.

Date: May 22, 2023

Hannah A. Bogen